

Jorgensen, Jay T.

From: David Page [dpage@riggsabney.com]
Sent: Friday, July 11, 2008 11:19 AM
To: George, Robert; Jorgensen, Jay T.; Bond, Michael R.
Cc: Baker, Fred; Louis Bullock; Richard Garren; Bob Nance; Kelly.Burch@oag.ok.gov; Daniel Lennington; Trevor.Hammons@oag.ok.gov; Sharon Gentry; Elizabeth Claire Xidis; David Riggs; Jaromin, Michelle
Subject: FW: Tyson/Oklahoma Case: Missing Files in Dr. Wells Produced Materials

Robert, this email is in response to your email from yesterday (below).

Please note my email address : dpage@riggsabney.com. I think you used an old email address yesterday and your email was forwarded to me by Liza Ward.

The three files that were identified in yesterday's call are called : " 50yrhistorical.zip", "50yrgrowth.zip" and "model calibration run directory with water level template.zip".

These files are immediately available for download by you and your experts at the following ftp site as follows:

<ftp.motleyrice.com>
Login: poultrydefense
Pass: d3f3ns3

Also a CD containing these files is being sent by overnight (Monday) delivery to you and Dr. Bierman.

Dr. Wells mistakenly did not included these 3 files in his production of his considered materials to the State's counsel. I apologize for this oversight.

Hopefully, these files should provide everything Dr. Bierman needs to complete his analysis of Dr. Wells' Report. However, if any follow-up questions arise please let me know.

Please call if you have any other questions, David.

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07/13/2008

From: Ward, Liza [mailto:lward@motleyrice.com]
Sent: Thursday, July 10, 2008 3:40 PM
To: Baker, Fred; Louis Bullock; Richard Garren; Bob Nance; Kelly.Burch@oag.ok.gov; Daniel.Lennington@oag.ok.gov; Trevor.Hammons@oag.ok.gov; Sharon Gentry; Xidis, Claire; David Riggs
Cc: David Page
Subject: FW: Tyson/Oklahoma Case: Missing Files in Dr. Wells Produced Materials

FYI

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From: George, Robert [mailto:Robert.George@tyson.com]
Sent: Thursday, July 10, 2008 4:35 PM
To: David Page; Ward, Liza
Cc: Jay Jorgensen; Bond, Michael R.
Subject: FW: Tyson/Oklahoma Case: Missing Files in Dr. Wells Produced Materials

David,

This will confirm my understanding of the supplemental production of electronic modeling files that Dr. Wells will make in light of the conference call this morning between you and I and the experts. During the call, it was determined that the following electronic files used by Dr. Wells in the computer modeling that formed the basis for the opinions discussed in his expert report were either not included in the production of Wells' considered materials or were produced in an incomplete manner:

1. The CE-QUAL-W2 water level calibration input/output and post-processing files. These were identified as being located within a folder named "model one waterbody one main branch" within the archive file named "W2 Model-updates.zip". Within the production of materials we received, the folder in question only contains two files and four empty sub-folders. The archive file itself appears to only include files dated from 5/15/2008 through 5/27/2008.
2. The input/output and post-processing results files for Scenario 5 (Growth conditions) as described in Table 12 of Dr. Wells' expert report.
3. The input/output and post-processing results files for Scenario 6 (Historical conditions with hydrology from 1950-1999) as described in Table 12 of Dr. Wells' expert report.

Obviously, these files are important to defendants' continued attempts to replicate the working model that Dr. Wells used to form the opinions set forth in his expert report. It is my understanding that Ms. Ward will mail these electronic files to Vic Bierman at LimnoTech and myself as soon as possible. If I have misunderstood our agreement, please let me know.

This e mail will further confirm that Dr. Wells acknowledged on the call that the information provided in your June 18 e mail indicating that the electronic files identified as "Run 143" were the files used in the calibration runs completed by Dr. Wells in connection with his expert report was incorrect. Dr. Wells today advised that the electronic files identified as "Run 200" are

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actually the electronic files that correspond with the calibration run completed by Dr. Wells in connection with his expert report.

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